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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,668	04/27/2001	Hisakazu Kobayashi	2001_0512A	7703

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EXAMINER	
LEE, RICHARD J	

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/842,668	KOBAYASHI ET AL.	
	Examiner	Art Unit	
	Richard Lee	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,7-15,17,22,23 and 25-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,7-15,17,22,23 and 25-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The request filed on April 11, 2005 for a Request for Continued Examination (RCE) is acceptable and a RCE has been established. An action on the RCE follows.

2. Applicant's arguments from the amendment filed March 21, 2005 have been noted, considered, and addressed in the following new grounds of rejections.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 7, 9-13, 17, 22, and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strandwitz et al of record (6,522,352) in view of Raskin of record (3,668,526), Ichino of record (5,440,351), and Clark et al (6,370,197).

Strandwitz et al discloses a self contained wireless camera device as shown in Figures 1-4, 6, and 8, and substantially the same transmitter (i.e., the transmitter of Figure 2 as implemented within either one of 100, 402-406 of Figure 4, columns 2-3, and column 6, lines 48-59) for transmitting at least one of a moving image and an audio signal to a communication terminal (i.e., one of 100, 402-406 of Figure 4, and see column 6, lines 48-59), the communication terminal includes an image display unit (see 402-404 of Figure 4), the transmitter and the communication terminal being within a building (i.e., the transmitter of Figure 2 as implemented within 100 of Figure 4 and communication terminal 402, which transmitter and communication terminal being within an in home (within a building) system, see Figure 4 and column 6, lines 48-59), a portable display terminal (i.e., 404 of Figure 4) for communicating with a communication terminal (i.e., 403 of Figure 4), and receiving at least one of moving image data

and audio data (see columns 2-3, and column 6, lines 48-59), the portable display terminal and the communication terminal being within a building (i.e., as provided by the in home system of Figure 4), a wireless transmitting system for communicating information including at least one of moving image data and audio data within a building (i.e., in home system of Figure 4, and see columns 2-3, column 6, lines 48-59), as claimed in claims 1, 7, 9-13, 17, 22, and 25-29, comprising substantially the same moving image compressing coder (i.e., 210 of Figure 2) for compressing and coding a moving image signal output from a moving image input unit (i.e., 130 of Figure 2); an audio compressing coder (220 of Figure 4) for compressing and coding the audio signal; a radio transmitter unit (i.e., 102 of Figure 2) for directly transmitting the moving image signal compressed and coded in the moving image compressing coder, and the audio signal compressed and coded in the audio compressing coder, without using a network (see columns 2-3, column 6, lines 48-59); an audio output unit (i.e., 150 of Figure 4) for outputting the audio signal; an audio output instructing command receiver for receiving an audio output instructing command from the communication terminal (i.e., the audio parameters as shown in Figure 8 are considered the audio output instructing commands, see column 10, lines 45-62), wherein the audio output instructing unit controls the audio output unit according to the audio output instructing command received in the audio output instructing command receiver (i.e., the audio decoder 220 controls the audio output unit 150 according to the audio output instructing command (audio parameters of Figure 8) received, see column 10, lines 45-62);the portable display terminal (404 of Figure 4, and see column 6, lines 48-59) comprising a radio receiving unit (i.e., 101 of Figure 2) for directly receiving compression coded moving image data and compression coded audio data, without using a network (see columns 2-3), a moving image

decoder (i.e., 202 of Figure 4) for decoding the compression coded moving image data received in the radio receiving unit, a display unit (i.e., 140 of Figure 4) for displaying an image according to the moving image data decoded by the moving image decoder, an audio decoder (i.e., 220 of Figure 2) for decoding the compression coded audio data received in the radio receiving unit as an audio signal, an audio output unit (i.e., 150 of Figure 4) for issuing the audio signal decoded by the audio decoder; wherein the audio output determining unit includes an audio output instructing command transmitter for transmitting an output instructing command to designate an output destination of the audio signal at the communication terminal, to the communication terminal (i.e., the audio parameters as shown in Figure 8 are considered audio output instructing commands for transmission to any of the communication terminals 100, 403-406 of Figure 4); an audio output instructing command receiver for receiving an audio output instructing command from the portable display terminal/communication terminal, and the audio output instructing unit controls the audio output unit according to the audio output instructing command received in the audio output instructing command receiver (i.e., the audio parameters of Figure 8 are considered the audio output instructing commands to be received by any one of the communication terminals 100, 403-406 from any one of the other communication terminals 100, 403-406, with decoder 220 controlling the audio output unit 150 according to the received audio output instructing commands as provided by Figure 8, see column 10, lines 45-62), wherein the audio output determining unit of the portable display terminal comprises an audio output instructing command transmitter for transmitting an audio output instructing command to designate an output destination of the audio signal to the transmitter (i.e., the audio parameters of Figure 8 are considered the audio output instructing commands to be transmitted to any one of the

communication terminals 100, 403-406 from any one of the other communication terminals 100, 403-406, see column 10, lines 45-62).

Strandwitz et al does not particularly disclose, though, the followings:

(a) an audio output instructing unit/audio output determining unit for controlling the audio output unit to output the audio signal when a distance calculated based on a field strength of a radio wave transmitted from the communication terminal/portable display terminal is shorter than a predetermined value and for controlling the radio transmitting unit in the communication terminal to transmit the audio signal when the distance calculated based on the field strength is not shorter than the predetermined value as claimed in claims 1, 9, 13, and 25;

(b) a field strength detector for measuring the field strength of the radio wave transmitted from the transmitter/portable display terminal/communication terminal, wherein the audio output determining unit determines an output destination of the audio signal at the communication terminal according to the measured field strength of the field strength detector as claimed in claims 7, 12, and 29;

(c) an audio output determining unit for determining and controlling whether or not to output the audio signal from the audio output unit, depending on a distance between the transmitter and the portable display terminal, wherein the distance is obtained based on a field strength of a radio wave transmitted from the transmitter as claimed in claim 25;

(d) wherein the audio output determining unit is a changeover switch as claimed in claims 11 and 28; and

(e) the transmitter is capable of having the communication terminal detachably installed thereon, wherein the portable display terminal is adapted to be detachably installed onto the

communication terminal, and wherein the portable display terminal is adapted to be detachably installed onto the transmitter, as claimed in claims 1, 9, 13, and 25.

Regarding (a) to (c), it is however considered obvious that if the moving image and audio transmitter is close enough to the communication terminal, then only the speaker from the moving image and audio transmitter unit is needed for communication between the two, and thus not requiring any radio communication. In any event, Raskin discloses a communication system as shown in Figure 1, and teaches the conventional use of a speaker 14 within police vehicle for audio communication to nearby people, while using radio communication (13 of Figure 1) for communicating with the dispatch center (see column 1, lines 24-38, column 2, lines 35-43). Further, Ichino discloses a television with user selectable radio sound, and teaches the conventional use of field strength detectors for measuring radio waves and the selection of audio based on such detected results (see column 2, lines 10-37). As such, it is considered obvious to provide such radio wave field strength detector of Ichino within the communication system of Raskin to control the selective output of an audio signal from either the audio output unit or the radio transmitting unit of Raskin. Specifically, audio from the speaker 14 and radio 13 of Raskin may obviously be selected based on a threshold (i.e., predetermined value) according to the radio wave strength of the radio 13, wherein the distance is obtained based on a field strength of a radio wave transmitted from the communication terminal, and wherein the distance is obtained based on a field strength of a radio wave transmitted from the transmitter (i.e., the strength of the radio wave as determined will give an indication of the distance between the transmitter and the communication terminal/portable display terminal). In view of the teachings of Ichino and Raskin, it is similarly considered obvious to provide the selection of audio signal from either an

audio output unit or the radio transmitter unit within the system as shown in Figure 2 of Strandwitz et al based on a threshold (i.e., predetermined value) according to the radio wave strength as provided by Ichino within the modified system of Strandwitz et al. Therefore, it would have been obvious to one of ordinary skill in the art, having the Strandwitz et al, Raskin, and Ichino references in front of him/her and the general knowledge of audio communication techniques, would have had no difficulty in providing the selective audio transmission via radio or to an audio output unit such as a speaker depending on a distance between the transmitter and the communication terminal/portable display terminal wherein the distance is obtained based on a field strength of a radio wave transmitted from the communication terminal and from the transmitter as taught by Raskin and Ichino for the transmitter system of Strandwitz et al for the same well known selective audio communication purposes as claimed.

Regarding (d), Ichino teaches the conventional switching of audio (see column 2, lines 10-37). Therefore, it would have been obvious to one of ordinary skill in the art, having the Strandwitz et al, Raskin, and Ichino references in front of him/her and the general knowledge of audio switchings, would have had no difficulty in providing the changeover switching as taught by Ichino for the audio system within Strandwitz et al so as to allow the outputting and switching of audio in order to be properly heard purposes as claimed.

Regarding (e), it is noted that though the portable display terminal 404 and the communication terminal 402 of Strandwitz et al are provided with a wireless configuration for communication, it is however considered obvious to provide a wired connection between the portable display terminal 404 and the transmitter of Figure 2 of Strandwitz et al, a wired connection between the communication terminal 402 and the transmitter of Figure 2 of

Strandwitz et al, and a wired connection between the communication terminal 402 and portable display terminal 404, thereby providing the transmitter having the communication terminal and portable display terminal respectively detachably installed thereon and the portable display terminal detachably installed onto the communication terminal. Doing so would be less beneficial since a connection between the two respective hardware systems must be physically connected for operation versus a wireless connection, but nonetheless an obvious modification. In any event, Clark et al teaches the particular wired connection between a transmitter 112 and receiver 118 thereby providing the detachable receiver onto the transmitter (see column 3, line 43 to column 4, line 4). Therefore, it would have been obvious to one of ordinary skill in the art, having the Strandwitz et al, Raskin, Ichino, and Clark et al references in front of him/her and the general knowledge of detachable communication devices, would have had no difficulty in using the generic teachings of Clark et al involving the detachable receiver system onto the transmitter unit through the use of wired connections, would have had no difficulty in providing the transmitter of Figure 2 of Strandwitz et al having the communication terminal 402 and portable display terminal 404 to be respectively detachably installed thereon and the portable display terminal 404 detachably installed onto the communication terminal 402 for the same well known connection of multiple devices for communications purposes as claimed.

5. Claims 2, 3, 8, 14, 15, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Strandwitz et al, Raskin, Ichino, and Clark et al as applied to claims 1, 7, 9-13, 17, 22, and 25-29 in the above paragraph (4), and further in view of Rostoker et al of record (5,793,416).

The combination of Strandwitz et al, Raskin, Ichino, and Clark et al discloses substantially the same transmitter as above, further including wherein the audio output instructing unit detects contact of the transmitter with the communication unit (i.e., as provided by radio field strength determined by Raskin and Ichino within the system of Strandwitz et al, column 1, lines 24-38, column 2, lines 35-43 of Raskin, column 2, lines 10-37 of Ichino).

The combination of Strandwitz et al, Raskin, Ichino, and Clark et al does not particularly disclose, though, wherein when the audio output instructing unit controls the audio output unit to output the audio signal, the audio compressing coder lowers a compression rate of the moving image compressing coder to transmit the moving image signal as claimed in claims 2, 3, 14, 15, and 23. However, Rostoker et al discloses a wireless system for communication of audio, video and data signals over a narrow bandwidth as shown in Figures 1 and 4, and teaches the conventional controllings of a compression rate of moving image compression coders depending on audio selections (see column 4, lines 30-43). Therefore, it would have been obvious to one of ordinary skill in the art, having the Strandwitz et al, Raskin, Ichino, Clark et al, and Rostoker et al references in front of him/her and the general knowledge of variable video compression rate selections, would have had no difficulty in providing the lowering of the compression rate of moving image compressing coders as taught by Rostoker et al for the transmitter system of

Strandwitz et al, Raskin, Ichino, and Clark et al for the same well known varying compression rate for video quality control purposes as claimed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (571) 272-7333. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

6/10/05